
By: **Senator Dyson**
Introduced and read first time: January 21, 2004
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 10, 2004

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection - Privacy of Social Security Numbers**

3 FOR the purpose of prohibiting the public posting or displaying of an individual's
4 Social Security number under certain circumstances; prohibiting the printing of
5 an individual's Social Security number on certain cards under certain
6 circumstances; prohibiting a person from requiring an individual to transmit
7 the individual's Social Security number over the Internet under certain
8 circumstances; prohibiting a person from requiring an individual to use the
9 individual's Social Security number to access an Internet website under certain
10 circumstances; prohibiting the printing of an individual's Social Security
11 number on materials mailed, electronically mailed, or transmitted by facsimile
12 to the individual under certain circumstances; providing for certain exceptions
13 to the prohibitions relating to an individual's Social Security number; providing
14 that a violation of this Act is an unfair ~~and~~ or deceptive trade practice under the
15 Maryland Consumer Protection Act; authorizing a person that, prior to a certain
16 date, used an individual's Social Security number in a manner prohibited under
17 this Act to continue to use the individual's Social Security number under certain
18 circumstances; defining certain terms; providing for the application of this Act;
19 providing for a delayed effective date; and generally relating to the privacy of
20 Social Security numbers.

21 BY repealing and reenacting, with amendments,
22 Article - Commercial Law
23 Section 13-301(14)
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

26 BY adding to

1 Article - Commercial Law
2 Section 14-3201 ~~and 14-3202~~ through 14-3203, inclusive, to be under the new
3 subtitle "Subtitle 32. The Social Security Number Privacy Act"
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Commercial Law**

9 13-301.

10 Unfair or deceptive trade practices include any:

11 (14) Violation of a provision of:

12 (i) This title;

13 (ii) An order of the Attorney General or agreement of a party
14 relating to unit pricing under Title 14, Subtitle 1 of this article;

15 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
16 Collection Act;

17 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
18 Sales Act;

19 (v) Title 14, Subtitle 9 of this article, Kosher Products;

20 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

21 (vii) Section 14-1302 of this article;

22 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
23 Act;

24 (ix) Section 22-415 of the Transportation Article;

25 (x) Title 14, Subtitle 20 of this article;

26 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
27 Enforcement Act;

28 (xii) Title 14, Subtitle 21 of this article;

29 (xiii) Section 18-107 of the Transportation Article;

30 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
31 Solicitations Act;

1 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
2 Act;

3 (xvi) Title 10, Subtitle 6 of the Real Property Article;

4 (xvii) Title 10, Subtitle 8 of the Real Property Article;

5 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

6 (xix) Title 14, Subtitle 26 of this article, the Maryland
7 Door-to-Door Solicitations Act;

8 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
9 Goods Movers Act; or

10 (XXI) TITLE 14, SUBTITLE 32 OF THIS ARTICLE, THE SOCIAL
11 SECURITY NUMBER PRIVACY ACT; OR

12 SUBTITLE 32. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

13 14-3201.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "PERSON" DOES NOT INCLUDE A UNIT OF STATE OR LOCAL GOVERNMENT.

17 (C) "PUBLIC RECORD" HAS THE MEANING STATED IN § 10-611 OF THE STATE
18 GOVERNMENT ARTICLE.

19 (D) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE
20 OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.

21 14-3202.

22 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT:

23 (1) PUBLICLY POST OR DISPLAY AN INDIVIDUAL'S SOCIAL SECURITY
24 NUMBER;

25 (2) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A CARD
26 REQUIRED FOR THE INDIVIDUAL TO ACCESS PRODUCTS OR SERVICES PROVIDED BY
27 THE PERSON;

28 (3) REQUIRE AN INDIVIDUAL TO TRANSMIT THE INDIVIDUAL'S SOCIAL
29 SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR
30 THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

31 (4) REQUIRE AN INDIVIDUAL TO USE THE INDIVIDUAL'S SOCIAL
32 SECURITY NUMBER TO ACCESS AN INTERNET WEBSITE, UNLESS A PASSWORD OR

1 UNIQUE PERSONAL IDENTIFICATION NUMBER OR OTHER AUTHENTICATION DEVICE
2 IS ALSO REQUIRED TO ACCESS THE WEBSITE; OR

3 (5) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY
4 MATERIAL THAT IS MAILED, ELECTRONICALLY MAILED, OR TRANSMITTED BY
5 FACSIMILE TO THE INDIVIDUAL, UNLESS REQUIRED BY STATE OR FEDERAL LAW.

6 (B) THIS SECTION DOES NOT APPLY TO ~~THE USE OF AN INDIVIDUAL'S SOCIAL~~
7 ~~SECURITY NUMBER BY A PERSON FOR THE PURPOSE OF MEETING A LEGAL~~
8 ~~REQUIREMENT THAT MANDATES USE OF A SOCIAL SECURITY NUMBER;~~

9 (1) THE COLLECTION, RELEASE, OR USE OF AN INDIVIDUAL'S SOCIAL
10 SECURITY NUMBER AS REQUIRED BY STATE OR FEDERAL LAW;

11 (2) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
12 AN APPLICATION, FORM, OR DOCUMENT SENT BY MAIL:

13 (I) AS PART OF AN APPLICATION OR ENROLLMENT PROCESS;

14 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
15 CONTRACT, OR POLICY; OR

16 (III) TO CONFIRM THE ACCURACY OF THE INDIVIDUAL'S SOCIAL
17 SECURITY NUMBER;

18 (3) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN:

19 (I) A DEED, MORTGAGE, OR OTHER DOCUMENT FILED IN THE
20 LAND RECORDS;

21 (II) A FINANCING STATEMENT FILED UNDER TITLE 9 OF THE
22 COMMERCIAL LAW ARTICLE; OR

23 (III) A WRIT OF GARNISHMENT OF PROPERTY OR OF WAGES;

24 (4) THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR
25 INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES; OR

26 (5) A PUBLIC RECORD.

27 ~~14-3202-14-3203.~~

28 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER PRIOR
29 TO JANUARY 1, 2005, IN A MANNER PROHIBITED UNDER ~~§ 14-3201(A)~~ § 14-3202(A) OF
30 THIS SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY
31 NUMBER IN THAT MANNER IF:

32 (1) THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS
33 CONTINUOUS; AND

1 (2) BEGINNING ON JANUARY 1, 2005, THE PERSON PROVIDES THE
2 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S
3 RIGHT TO STOP THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN THE
4 MANNER PROHIBITED UNDER ~~§ 14-3201(A)~~ § 14-3202(A) OF THIS SUBTITLE.

5 (B) (1) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE
6 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
7 ~~14-3201(A)~~ § 14-3202(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS
8 ~~OF THE~~ AFTER RECEIPT OF THE REQUEST.

9 (2) A PERSON MAY NOT DENY PRODUCTS OR SERVICES TO AN
10 INDIVIDUAL BECAUSE THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS
11 SUBSECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
13 health insurance policies and contracts issued, delivered, or renewed in the State on
14 or after January 1, 2005. Any health insurance policy or contract in effect before
15 January 1, 2005, shall comply with the provisions of this Act on or before January 1,
16 2006.

17 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect January 1, 2005.